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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,101	02/15/2001	Philip D. Mooney	MOONEY 66-22	4481
7590 01/05/2004				
MANELLI DENISON & SELTER PLLC 7th Floor 2000 M Street, N.W. Washington, DC 20036-3307			EXAMINER BANGACHON, WILLIAM L	
			ART UNIT 2635	PAPER NUMBER 9

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,101

Applicant(s)

MOONEY ET AL.

Examiner

William Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15, 18, 19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15, 18, 19 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Objection to the drawings in the last Office action is withdrawn.
2. The drawings were received on 10/8/03. These drawings are approved.

Specification

3. Objection to the drawings in the last Office action is withdrawn.

Claim Rejections - 35 USC § 112

4. The rejection of claim 1 under 35 U.S.C. 112, second paragraph, is withdrawn.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.
6. In response to applicant's argument that Fernandez fails to disclose inductively charging a key securing structure (paragraph bridging pages 12 and 13), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See

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In re Casey, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

In this case, Suyama et al was relied upon to teach the claimed key securing structure and Fernandez was relied upon to teach inductive charging of a rechargeable battery. It would have been obvious to one of ordinary skill in the art to inductively charge the rechargeable battery of Suyama et al, as claimed, because this provides a user the ability to recharge the rechargeable battery without having to work with a wired connection. It does not require a user to connect plugs, does not require a user to locate a charging unit where it is plugged, and provides the user the ability to quickly grab-n-go a key securing structure that has been charged, as taught by Fernandez.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-7, 9-10, 12, 15, 18-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,561,331 (Suyama et al) in view of USP 6,184,651 (Fernandez et al).

In claims 1, 18, and 22, Suyama et al teach of a key chain rechargeable device (figures 1-13), comprising:

key securing structure {col. 2, lines 45-51; col. 4, lines 57-63; col. 9, lines 30-37; col. 10, lines 47-62};

an electronic device (2, 4, 12, 13, 23, 53, 56, 56a) associated with said key securing structure {paragraph bridging cols. 1 and 2; paragraph bridging cols. 4 and 5};
and

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a rechargeable battery source (3) to power said electronic device (2, 4, 12, 13, 23, 53, 56, 56a) {col. 1, lines 43-51};

wherein said key chain rechargeable device (1, 11, 21, 51, 151, 251) is recharged from an external power source when a key (9, 63) associated with said key securing structure is inserted in a lock device {col. 1, line 26-col. 2, line 15; paragraph bridging cols. 7 and 8; col. 8, lines 20-25; col. 10, lines 15-21}.

Suyama et al does not disclose expressly inductive charging of a rechargeable device/battery. Fernandez et al teach that contactless inductive charging of portable devices, including pagers, is desirable because it is a convenient way to recharge a portable device without having to work with a wired connection. It does not require a user to connect plugs, does not require a user to locate a charging unit where it is plugged, and provides the user the ability to quickly grab-n-go a unit that has been charged {Fernandez et al, col. 1, lines 13-33}. The systems of Suyama and Fernandez are analogous art because they are from same problem solving area, charging of portable devices. Obviously, inductively charging the rechargeable battery of Suyama et al, as taught by Fernandez is desirable. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to inductively charge the rechargeable battery of Suyama et al, as claimed, because this provides a user the ability to recharge the rechargeable battery without having to work with a wired connection. It does not require a user to connect plugs, does not require a user to

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locate a charging unit where it is plugged, and provides the user the ability to quickly grab-n-go a unit that has been charged, as taught by Fernandez.

In claim 2, the key chain rechargeable device according to claim 1, wherein: said key securing structure is a dummy key hole as shown in figures 1, 2, 6-7, 8B and 10.

In claim 3, the key chain rechargeable device according to claim 1, further comprising: a charging circuit (2, 92) in said electronic device, said charging circuit (2, 92) adapted for electrical contact with a key secured by said key securing structure {col. 1, lines 43-52}.

In claim 4, the key chain rechargeable device according to claim 3, wherein: said charging circuit (2) is permanently associated with said key chain rechargeable device as shown in figures 1, 11-13.

In claim 5, the key chain rechargeable device according to claim 3, wherein: said charging circuit (92) is permanently associated with said lock (93) {col. 6, lines 21-30}.

In claim 6, the key chain rechargeable device according to claim 1, wherein: said external power source is a vehicle's electrical system {col. 1, lines 43-52}.

In claim 7, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a wireless RF device {col. 5, lines 32-37; col. 7, lines 12-25}.

In claim 9, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a security alarm enable/disable device {paragraph bridging cols. 6 and 7; col. 7, lines 34-42}.

In claim 10, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is a keyless entry remote {col. 4, lines 50-56; col. 8, line 64-col. 9, line 14}.

In claim 12, Suyama et al does not disclose **“said key chain rechargeable device is a pager”**. Fernandez et al teach that contactless inductive charging of portable devices, including pagers, is desirable because it is a convenient way to recharge a portable device without having to work with a wired connection. It does not require a user to connect plugs, does not require a user to locate a charging unit where it is plugged, and provides the user the ability to quickly grab-n-go a unit that has been charged {col. 1, lines 13-33}. Obviously, charging a pager inductively is desirable in the system of Suyama et al because this provides a user to charge the pager without having to pull a plug and provides the user the ability to quickly use a pager that has been charged. Therefore, at the time of the invention, it would have been obvious to

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one of ordinary skill in the art to charge a pager inductively in the system of Suyama et al because this provides a user to charge the pager without having to pull a plug and provides the user the ability to quickly use a pager that has been charged, as taught by Fernandez et al.

In claim 15, the key chain rechargeable device according to claim 1, wherein: said key chain rechargeable device is recharged from said external power source only when said key associated with said securing structure is inserted in said lock device {col. 2, lines 52-62; paragraph bridging cols. 4 and 5}.

Claim 19 recites a method of practicing the device of claim 1 and therefore rejected for the same reasons.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,561,331 (Suyama et al) in view of USP 6,184,651 (Fernandez et al) and further in view of USP 6,323,775 (Hansson).

In claim 8, Suyama et al does not disclose **“said key chain rechargeable device is a BLUETOOTH network device”**. Hansson, in the same problem solving area (battery chargers), teach of notifying Bluetooth device users to charge the device when it is close to a charging unit for the device {col. 2, lines 1-18; col. 10, lines 60-65}. Hansson suggests that this is desirable to avoid getting a low battery notification when the user is located away from the charging unit, such as while the user is traveling, and

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avoid depleting the battery in the device. {col. 2, lines 1-4}. Obviously, this feature is desirable in the system of Suyama et al because the rechargeable devices of Suyama et al would always be charged and ensure proper use of the devices. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to notify Bluetooth device users to charge the device when it is close to a charging unit for the device, to avoid depleting the battery in the device while the user is away from the charging unit.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,561,331 (Suyama et al) in view of USP 6,184,651 (Fernandez et al), and further in view of USP 3,855,534 (Holcomb et al).

In claim 11, Suyama et al does not disclose "said key chain rechargeable device is a penlight device". Holcomb et al, in the same problem solving area (extending battery life of a portable radio transmitter) teach of a special clip to include rechargeable batteries such as penlight cells {Holcomb et al, col. 1, lines 3-11}. Holcomb et al suggests that such a clip is desirable in that it can utilize different types of batteries {col. 1, lines 21-29}. Obviously, this feature is desirable in the system of Suyama et al because it can utilize different types of batteries. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use a special clip to include rechargeable batteries such as penlight cells in the system of Suyama et al, as taught by Holcomb et al, because this allows the system of Suyama et al to utilized different types of battery cells.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 5,838,074 (Loeffler et al) is cited in that it teaches of inductively charging a rechargeable battery of a key securing structure {see whole document}.

Examiner Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is 703-746-6071 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

December 29, 2003

MICHAEL HORABIK
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